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## Congress.

### SPEECH OF MR. WEBSTER,

In the Senate of the United States, January 14, on Mr. Benton's resolution for appropriating the Surplus Revenue to National Defence.

It is not my purpose, Mr President, to make any remarks on the state of our affairs with France. The time for that discussion has not come, and I wait. We are in daily expectation of a communication from the President, which will give us light; and we are authorized to expect a recommendation by him of such measures as he thinks it may be necessary and proper for Congress to adopt. I do not anticipate him. I do not forerun him. In this most important and delicate business, it is the proper duty of the Executive to go forward, and I, for one, do not intend either to be drawn or driven into the lead. When official information shall be before us, and when measures shall be recommended upon the proper responsibility, I shall endeavor to form the best judgment I can, and shall act according to my dictates.

I rise now, for another purpose. This resolution has drawn on a debate upon the general conduct of the Senate during the last session of Congress, and especially in regard to the proposed grant of the three millions to the President on the last night of the session. My main object is to tell the story of this transaction, and to exhibit the conduct of the Senate fairly to the public view. I owe this duty to the Senate. I owe it to the committee with which I am connected; and although what is personal to an individual is generally of too little importance to be made the subject of much remark, I hope I may be permitted to say that, in a matter, in regard to which there has been so much misrepresentation, I wish to say a few words for the sake of defending my own reputation.

This vote for the three millions was proposed by the House of Representatives as an amendment to the fortification bill; and the loss of that bill, three millions and all, is the charge which has been made upon the Senate, sounded over all the land, and now again renewed. I propose to give the true history of this bill, its origin, its progress, and its loss.

Before attempting that, however, let me remark, for it is worthy to be remarked, and remembered, that the business brought before the Senate last session, important and various as it was, and both public and private, was all gone through, with most uncommon despatch and promptitude. No session has witnessed a more complete clearing off and finishing of the subjects before us. The communications from the other House, whether bills or whatever else, were especially attended to in proper season, and with that ready respect which is due from one House to the other. I recollect nothing of any importance which came to us from the House of Representatives, which was here neglected, overlooked, or disregarded.

On the other hand, it was the misfortune of the Senate, and, as I think, the misfortune of the country, that, owing to the state of business in the House of Representatives towards the close of the session, several measures which had been matured in the Senate, and passed into bills, did not receive attention, so as to be either agreed to or rejected, in the other branch of the Legislature. They fell of course by the termination of the session.

Among these measures may be mentioned the following, viz:

The Post Office Reform Bill, which passed the Senate unanimously, and of the necessity for which the whole country is now most abundantly satisfied.

The Custom House Regulations Bill, which also passed nearly unanimously, after a very laborious preparation by the Committee on Commerce, and a full discussion in the Senate.

The Judiciary Bill, passed here by a majority of thirty-one to five, and which has again already passed the Senate at this session with only a single dissenting vote.

The Bill indemnifying Claimants for French spoliation before 1800.

The bill regulating the deposits of the public moneys in the Deposit Banks.

The bill respecting the tenure of certain offices, and the power of removal from office; which has now again passed to be engrossed, in the Senate, by a decisive majority.

All these important measures, matured and passed in the Senate in the course of the session, and many others whose importance was less, were sent to the House of Representatives, and we never heard any thing more from them. They there found their graves.

It is worthy of being remarked, also, that the attendance of members of the Senate was remarkably full, particularly toward the end of the session. On the last day every Senator was in his place till very near the hour of adjournment, as the journal will show. We had no breaking up for want of a quorum; no delay, no calls of the Senate; nothing which was made necessary by the negligence or inattention of the members of this body. On the vote for the three millions of dollars, which was taken at about eight o'clock in the evening, forty-eight votes were given every member of the Senate being in his place and answering to his name. This is an instance of punctuality, diligence, and labor, continued to the very end of an arduous session, wholly without example or parallel.

The Senate, then, sir, must stand, in the judgment of every man, fully acquitted of all remissness, all negligence, all inattention, amidst the fatigue and exhaustion of

the closing hours of Congress. Nothing passed unheeded, nothing was overlooked, nothing forgotten, and nothing slighted.

And now, sir, I would proceed immediately to give the history of the Fortification bill, if it were not necessary, as introductory to that history, and as showing the circumstances under which the Senate was called on to transact the public business, first to refer to another bill which was before us, and to the proceedings which were had upon it.

It is well known, sir, that the annual appropriation bills always originate in the House of Representatives. This is so much the course, that no one ever looks to see such a bill first brought forward in the Senate. It is also well known, sir, that it has been usual, heretofore, to make the annual appropriations for the Military Academy at West point in the general bill, which provides for the pay and support of the army. But last year, the army bill did not contain any appropriation whatever for the support of West Point. I took notice of this singular omission when the bill was before the Senate, but presumed, and indeed understood, that the House would send us a separate bill for the Military Academy. The army bill, therefore, passed; but no bill for the Academy at West Point appeared. We waited for it from day to day, and from week to week, but waited in vain. At length, the time for sending bills from one House to the other, according to the joint rules of the two Houses, expired; and no bill had made its appearance for the support of the Military Academy. These joint rules, as is well known, are sometimes suspended on the application of one House to the other, in favor of particular bills whose progress has been unexpectedly delayed, but which the public interest requires to be passed. But the House of Representatives sent us no request to suspend the rules in favor of a bill for the support of the Military Academy, nor made any other proposition to save the Institution from immediate dissolution. Notwithstanding all the talk about a war, and the necessity of a vote for the three millions, the Military Academy, an institution cherished so long, and at so much expense, was on the very point of being entirely broken up.

Now it so happened, sir, that at this time there was another appropriation bill which had come from the House of Representatives, and was before the Committee on Finance here. This bill was entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1835." In this state of things, several members of the House of Representatives applied to the committee, and besought us to save the Academy by annexing the necessary appropriations for its support to the bill for civil and diplomatic service. We spoke to them, in reply, of the unfixed, the irregularity, the incongruity, of this forced union of such dissimilar subjects; but they told us it was a case of absolute necessity, and that, without resorting to this mode, the appropriation could not get through. We acquiesced, sir, in these suggestions. We went out of our way. We agreed to do an extraordinary and an irregular thing, in order to save the public business from miscarriage. By direction of the committee, I moved the Senate to add an appropriation for the Military Academy to the bill for defraying civil and diplomatic expenses. The bill was so amended; and in this form the appropriation was finally made.

But this was not all. This bill for the civil and diplomatic service being thus amended, by tacking the Military Academy upon it, was sent back by us to the House of Representatives, where its length of tail was to be still much further increased. That House had before it several subjects for provision, and for appropriation, upon which it had not passed any bill, before the time for passing bills to be sent to the Senate had elapsed. It was anxious that these things should, in some way, be provided for; and when the diplomatic bill came back, drawing the Military Academy after it, it was thought prudent to attach to it various of these other provisions. There were propositions to pave streets in the city of Washington, to repair the Capitol, and various other things, which it was necessary to provide for; and they, therefore, were put into the same bill by way of amendment to an amendment; that is to say, Mr President, we had been prevailed on to amend their bill for defraying the salary of our ministers abroad, by adding an appropriation for the Military Academy; and they proposed to amend this our amendment, by adding to it matter as germane to it, as it was to the original bill. There was also the President's gardener. His salary was unprovided for; and there was no way of remedying this important omission, but by giving him place in the diplomatic service bill, among charges d' affaires, envoys extraordinary, ministers plenipotentiary. In and among these ranks, therefore, he was formally introduced by the amendment of the House, and there he now stands, as you will readily see by turning to the law.

Sir, I have not the pleasure to know this useful person; but should I see him, some morning overlooking the workmen in the lawns, walks, copses, and parterres which adorn the grounds around the President's residence, considering the company into which we have introduced him, I should expect to see, at least, a small diplomatic button on his working jacket.

When these amendments came from the House, and were read at our table, though they caused a smile, they were yet adopted, and the law passed, almost with the rapidity of a comet, and with something like the same length of tail.

Now, sir, not one of these irregularities

or incongruities, no part of this jumbling together of distinct and different subjects, was, in the slightest degree, occasioned by any thing done, or omitted to be done, on the part of the Senate. Their proceedings were all regular; their decision prompt, their despatch of the public business correct and reasonable. There was nothing of disorganization, nothing of procrastination, nothing evincive of a temper to embarrass or obstruct the public business. If the history which I have now truly given shows that one thing was amended by another, which had no sort of connexion with it, that unusual expedients were resorted to, and that the laws, instead of arrangement and symmetry, exhibit anomaly, confusion, and the most grotesque associations, it is, nevertheless true, that no part of all this was made necessary by us. We deviated from the accustomed mode of legislation only when we were supplanted to do so, in order to supply bold and glaring deficiencies in measures which were before us.

But now, Mr President, let me come to the Fortification Bill, the lost bill, which not only now, but on a former occasion, has been lamented like the lost Pleiad. This bill, sir, came from the House of Representatives to the Senate, in the usual way, and was referred to the Committee on Finance. Its appropriations were not large. Indeed, they appeared to the committee to be quite too small. It struck a majority of the committee at once that there were several fortifications on the coast, either not provided for at all, or not adequately provided for by this bill. The whole amount of its appropriations was 400,000 or 430,000 dollars. It contained no grant of three millions, and if the Senate had passed it the very day it came from the House, not only would there have been no appropriation of the three millions, but, sir, none of these other sums which the Senate did insert in the bill. Others, besides ourselves, saw the deficiencies of this bill. We had communications with and from the Departments, and we inserted in the bill every thing which any Department recommended to us.

We took care to be sure that nothing else was coming. And we then reported the bill to the Senate with our proposed amendments. Among these amendments, there was a sum of \$75,000 for Castle Island, in Boston, \$100,000 for defences in Maryland, and so forth. These amendments were agreed to by the Senate, and one or two others added, on the motion of members; and the bill, being thus amended, was returned to the House.

And now, Sir, it becomes important to ask when was this bill, thus amended, returned to the House of Representatives? Was it unduly detained here, so that the House was obliged afterwards to act upon it suddenly? This question is material to be asked, and material to be answered, too, and the Journal does satisfactorily answer it; for it appears by the Journal that the bill was returned to the House of Representatives on Tuesday, the 24th of February, one whole week before the close of the session.

And from Tuesday, the 24th of February, to Tuesday, the 3d day of March, we heard not one word from this bill. Tuesday, the 3d day of March, was, of course, the last day of the session. We assembled here at 10 or 11 o'clock in the morning of that day, and sat until three in the afternoon, and still we were not informed whether the House had finally passed the bill. As it was an important matter, and belonging to that part of the public business which usually receives particular attention from the Committee on Finance, I bore the subject in my mind, and felt some solicitude about it, seeing that the session was drawing so near to a close. I took it for granted, however, as I had not heard any thing to the contrary, that the amendments of the Senate would not be objected to, and that when a convenient time should arrive for taking up the bill in the House, it would be passed at once into a law, and we should hear no more about it. Not the slightest intimation was given, either that the Executive wished for any larger appropriation, or that it was intended in the House to insert such larger appropriation. Not a syllable escaped from any body, and came to our knowledge, that any further alteration whatever was intended in the bill.

At 3 o'clock in the afternoon of the 3d of March, the Senate took its recess, as is usual in that period of the session, until 5. We again assembled, and proceeded with the business of the Senate until 8 o'clock in the evening, and at 8 o'clock in the evening, and not before, the Clerk of the House appeared at our door, and announced that the House of Representatives had disagreed to one of the Senate's amendments, agreed to others; and to two of these amendments, viz: the 4th and 5th, it had agreed, with an amendment of its own.

Now, sir, these 4th and 5th amendments of ours were, one, a vote of \$75,000 for the castle in Boston harbor, and the other, a vote of \$100,000 for certain defences in Maryland. And what, sir, was the addition which the House of Representatives proposed to make, by way of "amendment" to a vote of \$75,000 for repairing the works in Boston harbor? Here, sir, it is:

"And be it further enacted, That the sum of three millions of dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: Provided, Such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

This proposition, sir, was thus unexpectedly and suddenly put to us, at eight o'clock

in the evening of the last day of the session. Unusual, unprecedented, extraordinary, as it obviously is, on the face of it, the manner of presenting it was still more extraordinary. The President had asked for no such grant of money; no Department had recommended it; no estimate had suggested it; no reason whatever was given for it. No emergency had happened, and nothing new had occurred; every thing known to the administration at that hour respecting our foreign relations, had certainly been known to it for days and for weeks.

With what propriety then could the Senate be called on to sanction a proceeding so entirely irregular and anomalous? Sir, I recollect the occurrences of the moment very well, and I remember the impression which this vote seemed to make all round the Senate. We had just come out of Executive session; the doors were just opened; and I hardly remember whether there was a single spectator in the hall or the galleries. I had been at the Clerk's table and had not reached my seat when the message was read. All the Senators were in the chamber. I heard the message, certainly with great surprise and astonishment; and I immediately moved the Senate to disagree to this vote of the House. My relation to the subject, in consequence of my connexion with the Committee on Finance, made it my duty to propose some course, and I had not a moment's doubt or hesitation what that course ought to be. I took upon myself then, sir, the responsibility of moving that the Senate should disagree to this vote, and I now acknowledge that responsibility. I might be presumptuous to say that I took a leading part, but I certainly took an early part, a decided part, and an earnest part, in rejecting this broad grant of three millions of dollars without limitation of purpose or specification of object; called for by no recommendation; founded on no estimate, made necessary by no state of things which was made known to us. Certainly, sir, I took a part in its rejection; and I stand here in my place in the Senate to-day to defend the part so taken by me; or rather, sir, I disclaim all defence, and all occasion of defence, and I assert it is as meritorious to have been among those who arrested, at the earliest moment, this extraordinary departure from all settled usage, and as I think, from plain constitutional injunction this indefinite voting of a vast sum of money, to mere executive discretion, without limit assigned, without object specified, without reason given, and without the least count under heaven.

Sir, I am told, that in opposing this grant, I spoke with warmth, and I suppose I may have done so. If I did, it was a warmth springing from as honest a conviction of duty as ever influenced a public man. It was spontaneous, unaffected, sincere. There had been among us, sir, no consultation, no concert. There could have been none. Between the reading of the message and my motion to disagree, there was not time enough for any two members of the Senate to exchange five words on the subject. The proposition was sudden and perfectly unexpected. I resisted it, as irregular, as dangerous in itself, and dangerous in its precedent; as wholly unnecessary and as violating the plain intention, if not the express words of the constitution. Before the Senate, then, I avowed, and before the country, I now avow my part in this opposition. Whatsoever is to fall on those who sanctioned it, of that let me have my full share.

The Senate, sir, rejected this grant by a vote of twenty-nine against nineteen. Those twenty-nine names are on the Journal; and whenever the EXPENSIVE process may commence, and how far soever it may be carried, I pray it, in mercy, not to erase mine from that record. I beseech it, in its sparing goodness, to leave me that proof of attachment to duty and to principle. It may draw around it, over it, and through it, black lines, or red lines, or any lines; it may mark it in any way which either the most prostrate and fanatical spirit of man, or the most ingenious and elaborate study of self-degradation may devise, if only it will leave it so that those who inherit my blood, or who may hereafter care for my reputation shall be able to behold it where it now stands.

The House, sir, insisted on this amendment. The Senate adhered to its disagreement; the House asked a conference to which the Senate immediately acceded. The committee of conference met, and in a very short time came to an agreement. They agreed to recommend to their respective Houses, as a substitute for the vote proposed by the House, the following:

"As an additional appropriation for arming the fortifications of the United States, three hundred thousand dollars."

"As an additional appropriation for the repairs and equipment of ships of war of the United States, five hundred thousand dollars."

I immediately reported this agreement of the committees of conference to the Senate; but, inasmuch as the bill was in the House of Representatives, the Senate could not act further on the matter until the House should first have considered the report of the committee, decided thereon, and sent us the bill. I did not myself take any note of the particular hour of this part of the transaction. The honorable member from Virginia (Mr Leigh) says he consulted his watch at the time, and he knows that I had come from the conference and was in my seat at a quarter past eleven. I have no reason to think that he is under any mistake on this particular. He says it so happened that he had occasion to take notice of the hour, and well remembers it. It could not well have been later than this, as any one will be satisfied who will look at our journals, public and executive, and see what a

mass of business was despatched after I came from the committees, and before the adjournment of the Senate. Having made the report, sir, I have no doubt that both Houses would concur in the result of the conference, and looked every moment for the officer of the House bringing the bill. He did not come, however, and I pretty soon learned that there was doubt whether the committee on the part of the House would report to the House the agreement of the conference. At first, I did not at all credit this; but was confirmed by one communication after another, until I was obliged to think it true. Seeing that the bill was thus in danger of being lost, and intending at any rate that no blame should justly attach to the Senate, I immediately moved the following resolution:

"Resolved, That a message be sent to the honorable the House of Representatives respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortification of the United States."

You recollect this resolution, sir, having, as I well remember, taken some part on the occasion."

This resolution was promptly passed; the Secretary carried it to the House and delivered it. What was done in the House on the receipt of this message now appears from the printed journal. I have no wish to comment on the proceedings there recorded; all may read them, and each be able to form his own opinion. Suffice it to say that the House of Representatives, having then possession of the bill, chose to retain that possession, and never acted on the report of the committee. The bill was therefore lost. It was lost in the House of Representatives. It died there, and there its remains are to be found. No opportunity was given to the members of the House to decide whether they would agree to the report of the two committees or not. From a quarter past eleven when the report was agreed to, until two or three o'clock in the morning, the House remained in session. If at any time there was not a quorum of members present, the attendance of a quorum, we are to presume, might have been commanded, as there was undoubtedly a great majority of the members still in the city.

But now, sir, there is one other transaction of the evening, which I feel bound to state, because I think it quite important, on several accounts that it should be known.

A nomination was pending before the Senate for a Judge of the Supreme Court. In the course of the sitting that nomination was called up, and on motion, was indefinitely postponed. In other words, it was rejected, for an indefinite postponement is a rejection. The office, of course, remained vacant, and the nomination of another person to fill it became necessary. The President of the United States was then in the Capitol, as is usual, on the evening of the last day of the session, in the Chamber assigned to him, and with the heads of Departments around him. When nominations are rejected under these circumstances, it has been usual for the President immediately to transmit a new nomination to the Senate; otherwise the office must remain vacant till the next session, as the vacancy in such case has not happened in the recess of Congress. The vote of the Senate, indefinitely postponing this nomination, was carried to the President's room by the Secretary of the Senate. The President told the Secretary that it was more than an hour past 12 o'clock, and that he could receive no further communications from the Senate, and immediately after, as I have understood, left the Capitol. The Secretary brought back the paper containing the certified copy of the vote of the Senate, and endorsed thereon the substance of the President's answer, and also added that according to his own watch, it was a quarter past one o'clock.

There are two views, sir, in which this occurrence may well deserve to be noticed. One is a connexion which it may perhaps have with the loss of the fortification bill; the other is, its general importance, as introducing a new rule, or a new practice, respecting the intercourse between the President and the House of Congress on the last day of the session.

On the first point I shall only observe that the fact of the President's having declined to receive this communication from the Senate, and of his having left the Capitol, was immediately known in the House of Representatives; that it was quite obvious that if he could not receive a communication from the Senate, neither could he receive a bill from the House of Representatives for his signature. It was equally obvious, that if, under these circumstances, the House of Representatives should agree to the Report of the Committee of conference, so that the bill should pass, it must, fail to become a law, for want of the President's signature; and that, in that case, the blame of losing the bill, on whomsoever else it might fall, could not be laid on the Senate.

On the more general point, I must say, sir, that this decision of the President, not to hold communication with the Houses of Congress after twelve o'clock, on the 3d of March, is quite new. No such objection has ever been made before by any President. No one of them has ever declined communicating with either House at any time during the continuance of its session on that day. All Presidents, heretofore, have left it with the Houses themselves to fix their hour of adjournment, and to bring their session for the day, to a close, whenever they saw fit.

\*Mr King, of Alabama, was in the chair.

It is notorious, in point of fact, that nothing is more common than for both Houses to sit later than 12 o'clock, for the purpose of completing measures which are in the last stages of their progress. Amendments are proposed and agreed to, bills passed, enrolled bills signed by the presiding officers, and other important legislative acts performed often at 2 or 3 o'clock in the morning. All this is very well known to gentlemen who have been for any considerable time members of Congress. And all Presidents have signed bills, and have also made nominations to the Senate, without objection as to time, whenever bills have been presented for signature, or whenever it became necessary to make nominations to the Senate, at any time during the session of the respective Houses on that day.

And all this, sir, I suppose to be perfectly right, correct and legal. There is no clause of the Constitution, nor is there any law, which declares that the term of office of members of the House of Representatives shall expire at 12 o'clock at night on the 3d of March. They are to hold for two years, but the precise hour for the commencement of the term of two years is nowhere fixed by constitutional or legal provision. It has been established by usage and by inference, and very properly established, that, since the first Congress commenced its existence on the first Wednesday in March, 1789, which happened to be the 4th day of that month, therefore, the 4th of March is the day of the commencement of each successive term, but no hour is fixed by law to practice. The true rule is, as I think, most undoubtedly that the session holden on the last day constitutes the last day, for all legislative and legal purposes. While the session commenced on that day continues, the day itself continues, according to the established practice both of legislative and judicial bodies. This could not well be otherwise. If the precise moment of actual time were to settle such a matter, it would be material to ask, who shall settle the time? Shall it be done by public authority, or shall every man observe the tick of his own watch? If absolute time is to furnish a precise rule, the excess of a minute, it is obvious, would be as fatal as the excess of an hour. Sir, no bodies, judicial or legislative, have ever been so hypercritical, so astute to no purpose, so much more nice than wise, as to govern themselves by any such ideas. The session for the day, at whatever hour it commences, or at whatever hour it breaks up, is the legislative day. Every thing has reference to the commencement of that diurnal session. For instance, this is the 14th day of January; we assembled here to-day at 12 o'clock; our journal is dated Jan. 14th, and if we should remain here until 5 o'clock to-morrow morning (and the Senate has sometimes sat so late) our proceedings would still all bear date of the 14th of Jan.; they would be so stated upon the journal, and the journal is a record, and is a conclusive record so far as respects the proceedings of this body.

It is so in judicial proceedings. If a man was on trial for his life, at a late hour on the last day allowed by law for the holding of the court, and the jury acquitted him, but happened to remain so long in deliberation that they did not bring in their verdict till after 12 o'clock, is it all to be held for naught, and the man tried over again? Are all verdicts, judgments, and orders of courts, null and void, if made after midnight, on the day which the law prescribes as the last day? It would be easy to show by authority, if authority could be wanted for a thing, the reason of which is so clear, that the day lasts while the daily session lasts. When the court or the legislative body adjourns for that day, the day is over, and not before.

I am told, indeed, sir, that it is true that on this same 3d day of March last, not only were other things transacted, but that the bill for the repair of the Cumberland road, an important and much litigated measure, actually received the signature of our presiding officer after 12 o'clock, was then sent to the President, and signed by him. I do not affirm this, because I took no notice of the time, or do not remember it if I did; but I have heard the matter so stated.

I see no reason, sir, for the introduction of this same 3d day of March last, not only were other things transacted, but that the bill for the repair of the Cumberland road, an important and much litigated measure, actually received the signature of our presiding officer after 12 o'clock, was then sent to the President, and signed by him. I do not affirm this, because I took no notice of the time, or do not remember it if I did; but I have heard the matter so stated.

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It is more common than for both Houses to sit later than 12 o'clock, for the purpose of completing measures which are in the last stages of their progress. Amendments are proposed and agreed to, bills passed, enrolled bills signed by the presiding officers, and other important legislative acts performed often at 2 or 3 o'clock in the morning. All this is very well known to gentlemen who have been for any considerable time members of Congress. And all Presidents have signed bills, and have also made nominations to the Senate, without objection as to time, whenever bills have been presented for signature, or whenever it became necessary to make nominations to the Senate, at any time during the session of the respective Houses on that day.

And all this, sir, I suppose to be perfectly right, correct and legal. There is no clause of the Constitution, nor is there any law, which declares that the term of office of members of the House of Representatives shall expire at 12 o'clock at night on the 3d of March. They are to hold for two years, but the precise hour for the commencement of the term of two years is nowhere fixed by constitutional or legal provision. It has been established by usage and by inference, and very properly established, that, since the first Congress commenced its existence on the first Wednesday in March, 1789, which happened to be the 4th day of that month, therefore, the 4th of March is the day of the commencement of each successive term, but no hour is fixed by law to practice. The true rule is, as I think, most undoubtedly that the session holden on the last day constitutes the last day, for all legislative and legal purposes. While the session commenced on that day continues, the day itself continues, according to the established practice both of legislative and judicial bodies. This could not well be otherwise. If the precise moment of actual time were to settle such a matter, it would be material to ask, who shall settle the time? Shall it be done by public authority, or shall every man observe the tick of his own watch? If absolute time is to furnish a precise rule, the excess of a minute, it is obvious, would be as fatal as the excess of an hour. Sir, no bodies, judicial or legislative, have ever been so hypercritical, so astute to no purpose, so much more nice than wise, as to govern themselves by any such ideas. The session for the day, at whatever hour it commences, or at whatever hour it breaks up, is the legislative day. Every thing has reference to the commencement of that diurnal session. For instance, this is the 14th day of January; we assembled here to-day at 12 o'clock; our journal is dated Jan. 14th